

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the foregoing amendments and the following remarks.

Claim Status

Claims 1 - 12 are pending. Claims 1, 3, and 7 are amended.

§102 Rejection

Claims 1 - 6 are rejected as anticipated by Notten (cited by Applicant in the specification at pages 5 - 6, bridging paragraph). Applicant respectfully disagrees for the following reasons and the reasons set forth in the previous response.

Notten discloses a battery management system, i.e., a system to let the battery user know the "state of charge" (SoC) of the battery and for controlling the charging and discharging of the battery. (Notten, Column 2, lines 35 - 45) Notten discloses that "input" into their model comes from a battery. Note Figs 1 & 2, the model 100 receives "input" from the battery 110 or 202/203 via measuring means 120. The measuring means measures voltage 124, current 122, and temperature 126. Notten does mention two other sources of "input." At Column 10, lines 5 - 49, Notten discloses that if multiple battery models are used in the battery management system that one could "tell" the battery management system what

type of battery is being managed. At Column 25, lines 15 - 65, Notten discloses that when the battery management system is being used to simulate the operation of a battery that one can "input" certain design parameters. Those design parameters "represent a physical quantity of a battery" and include "particle size of the electrode material," "surface area of the electrode material," and "composition of the electrochemically active species."

The instant invention, as claimed in independent claims 1 and 7, specifically recites *"the customer inputted requirement being selected from the group consisting of energy density, cycle life, rate capability, impedance, temperature range of operation and/or survival, safety requirements, storage life, self-discharge behavior, form factor, and cost."*

To anticipate, the reference must show each and every element of the claimed invention. Since Notten does not mention *"the customer inputted requirement being selected from the group consisting of energy density, cycle life, rate capability, impedance, temperature range of operation and/or survival, safety requirements, storage life, self-discharge behavior, form factor, and cost,"* it cannot anticipate the claimed invention.

Therefore, the §102 rejection must be removed.

§103 Rejection

Claims 7 - 12 are rejected as obvious in view of Notten.
Applicant respectfully disagrees for the following reasons.

Claim 7 (and claim 1) have been amended to recite "*the customer inputted requirement being selected from the group consisting of energy density, cycle life, rate capability, impedance, temperature range of operation and/or survival, safety requirements, storage life, self-discharge behavior, form factor, and cost.*" Notten does not suggest this feature of the invention.

The 'customer inputted' parameters of Notten, i.e., design parameters "represent[ing] a physical quantity of a battery" and including "particle size of the electrode material," "surface area of the electrode material," and "composition of the electrochemically active species," and "what type of battery is being managed" are different from the instant invention and are not suggested.

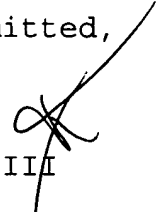
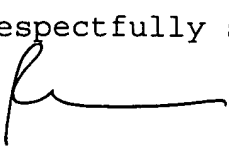
Notten would not suggest the invention because his disclosed 'battery management system' is at best used to simulate a battery's operation and that simulation can then be used to design a battery. Whereas, the instant invention is directed to a method for "customer driven charge storage device design."

Notten does not teach or suggest the claimed invention.

Conclusion

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance in this application.

Respectfully submitted,



Robert H. Hammer III
Reg. No. 31,764
Attorney for Applicant

Robert H. Hammer III, P.C.
3121 Springbank Lane
Suite I
Charlotte, NC 28226
Telephone: 704-927-0400
Facsimile: 704-927-0485

H:\5512\1\Amend052804.doc